UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1998/NGO/8
15 July 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fiftieth session
Item 3 (a) of the provisional agenda

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 July 1998]

GE.98-13198 (E)

1. Migrations are the consequence of underdevelopment, which is itself to a decisive extent the consequence of the nature of the economic relations prevailing between the countries of the South and those of the North. So migrations cannot be regarded as representing a specific phenomenon independent of the general transformations taking place in the world economy. They have become one of the aspects of globalization, and constitute a market just like any other, such as merchandise and finance.

2. According to the United Nations, 1.1 billion people are now living below the poverty threshold, and 850 million of them are unemployed. If all those in a position to work were productive, their work would produce the goods necessary for poverty to disappear. But half of these "absolute poor" have neither land nor tools, and so productive work is impossible.

3. The North acts upon the South basically through the system of prices for agricultural products, which it establishes by itself in accordance with its structures and needs; it also acts through the direct investment of capital from North to South, so that the South is unable to conduct a policy of independent development. The product prices imposed by the North destructure the rural societies of the South; the direct investments create jobs in the South, but the extremely low level of the wages paid encourages exports to the North which create unemployment there.

4. Locked as they are into their underdevelopment, the populations of the South, particularly the uprooted agricultural populations, leave the countryside for the towns, and then the towns for the countries of the North. There is consequently no real point in considering the question of immigration independently of all the other problems besetting the countries of the South, such as debt, foreign investment, the problems of wages and prices, the uprooting of rural populations, etc. - in other words, all the issues of underdevelopment and therefore of development policies to be promoted. Thus, any discussion about the rights of migrants is likely to be of no avail if it is dissociated from implementation of the right to development.

5. The States of the North, whose interests do not encourage the creation of conditions for the economies of the South to develop, are taking increasingly restrictive measures with regard to migrant workers. In Europe, especially, the various States (whatever values are espoused by their Governments) are taking similar measures with regard to people from the countries of the South:

Strict limits on the issuing of visas and "priority" exclusion of people from the South;

Classifying an irregular stay as a criminal offence accompanied by administrative detention without trial or penal sanctions;

Failure to respect the right to work and the right to social protection;

A restrictive interpretation of the Convention relating to the Status of Refugees and an improper classification of refugees and migrant workers; and

Legal discrimination of a xenophobic nature (selective identity checks, home visits and police investigations, etc.).

6. This pattern of repression and discrimination towards migrants from the South represents a violation of international human rights instruments, creates a xenophobic and racist climate in the developed countries which is disturbing for North-South relations, and debases democracy and its values to the detriment of the rights and freedoms of nationals of the industrialized countries themselves.

7. The following rights and freedoms enshrined in the international human rights instruments are thus called into question:

Freedom of movement;

The right of asylum;

The right not to be detained without trial;

The freedom to come and go and the absence of racial discrimination (identity checks and other police intervention on the basis of facial appearance); and

Equal access to State health care and social services.

8. The question of the rights of migrants must be considered in the context of a global approach to the migration phenomenon. Merely attempting to correct the abuses practised by the States of the North is not likely to have any real impact.

9. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has good reason to call for support to be given to the project of holding a world summit on migration problems and on the rights of migrants, the area of application of which is continually decreasing.